

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BEN ALAN RAGER,)	
Plaintiff,)	
v.)	C.A. No. 06-290 Erie
JAMES CARBONE, et al,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on December 11, 2006, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on January 3, 2007, recommended that this complaint be dismissed as legally frivolous in accordance with to 28 U.S.C. § 1915(d), and that the Plaintiff's request for leave to proceed in forma pauperis (Doc. #2) be dismissed as moot. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail at SCI Graterford, where he is incarcerated. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 8th Day of February, 2007;

IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d), and it is further

ORDERED that Plaintiff's request to proceed in forma pauperis (Doc. #2) is DISMISSED as moot.

The report and recommendation of Magistrate Judge Baxter, dated January 3, 2007,
is adopted as the opinion of the court.


MAURICE B. COHILL, JR.
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____